

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON JULY 9, 2003**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
Jay Jenkins  
William Hoffman  
Walter Montgomery, Secretary

**Also Present:** Lino Sciarretta, Village Counsel  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Marybeth Dooley, Environmental Conservation Board Member  
Applicants and other persons mentioned in these Minutes

**IPB Matters**

**Considered:**

- 94-03 – Westwood Development Associates, Inc. -- Phase 1 (Tract A)**
  - Sht. 10, P25J2, 25K2
  - Sht. 10C, Bl. 226, Lots 25A, 26A
  - Sht. 11, P-25J
- 00-40 – Astor Street Associates, LLC – Astor Street (MTA Sub-Station)**
  - Sht. 7, Portion of P-25000
- 01-26 – Danfor Realty – Harriman Road**
  - Sht. 13B, Lot P-5, P-5C
- 02-42 – Jason Barnett – 48 Ardsley Avenue West**
  - Sht. 8, B. 220, Lot 1
- 02-44 - Westwood Development Associates, Inc.**
  - Lot 4
- 03-15 – Vincent DeSantis – 64 West Clinton Avenue**
  - Sht. 7B, B. 249, Lot 7A
- 03-22 – Ante & Sylvia Marusic – 60 Hudson Avenue**
  - Sht. 10B, B. 230, Lot 22C
- 03-23 – Marc & Judith Kleber – 31 Jaffray Court**
  - Sht. 7C, B. 250, Lot 7
- 03-27 – Jonathan Elwyn/Heidi Jellinghaus – 204 Hermit's Road**
  - Sht. 11, Lot P-68
- 03-28 – Steve Caporal – 16 South Eckar Street**
  - Sht. 5, B. 210, Lot 11, 11A
- 03-30 – Cheryl & William Tucker – 13 Greyrock Terrace**
  - Sht. 10D, B. 242, Lot 1

**Informal Discussion:**

- 03-29 – Omnipoint Facilities Network, LLC – Abbott House, 100 North Broadway**

**Carried Over:**

- 02-03 – Abbott House – 100 North Broadway**  
Sht. 10, P-21
- 02-05 – C.M. Pateman & Associates Inc./Nicodemus – 200 Mountain Road**  
Sht. 11, Lot P-27J
- 02-11 – Geraldine McGowan-Hall – 200 Mountain Road/Hermits Road**  
Sht. 11, Lot P-7J
- 03-17 – R.E.R. Development Corp. – East Clinton Avenue**  
Sht. 14, B. 224, Lot 1

The Chairman called the meeting to order at 8:05 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

The Chairman opened the meeting with a synopsis of modifications recently adopted by the Village Board of Trustees to Village ordinances and a review of the newly adopted master plan. He emphasized that these changes could have an impact on current and future proposals to develop or alter properties. Changes to the zoning ordinance include the creation and mapping of three new zoning districts, new regulations regarding wetlands, watercourses, stone walls, view preservation, buffers, cluster developments and floor area ratio standards. As a result of the view preservation regulations, the Planning Board can no longer issue waivers on properties located in the View Preservation Overlay District (encompassing all properties west of Broadway).

**ITEMS CARRIED OVER:**

The Chairman then noted the items to be carried over to future IPB agendas:

**IPB Matter #02-03:**

**Application of Abbott House for Renewal of Special Permit**

The Chairman noted that the Board had received a letter from Marianne Sussman, Esq., (acting on behalf of Abbott House) dated July 7, 2003 requesting adjournment to the Planning Board's August meeting. Village Counsel indicated that he was in the process of responding to previous communications from Ms. Sussman with regard to the language contained in the most recent Board resolution regarding Abbott House's special permit. The Chairman said that at this point the Board anticipates a public hearing at its September meeting.

**IPB Matter #02-05:**

**C.M. Pateman & Associates Inc./Nicodemus – 200 Mountain Road**

With the adoption of new regulations regarding wetlands and watercourses, the Chairman, with the Board's concurrence, indicated that Tim Miller Associates should undertake an additional analysis of the plans submitted by the Applicant to assess how they would be affected by the new regulations. The Chairman indicated that he had discussed the matter with Mr. Pateman prior to the meeting, who had concurred that such an additional review would be appropriate before the Planning Board reports back to the Zoning Board of Appeals.

**IPB Matter #02-11:**

**Geraldine McGowan-Hall – 200 Mountain Road/Hermits Road**

No one appeared before the IPB for this application. The matter was carried over to August.

**IPB Matter #03-17:**

**R.E.R. Development Corp. – East Clinton Avenue**

No one appeared before the IPB for this application. The matter was carried over to August.

**INFORMAL DISCUSSION:**

**IPB Matter # 03-29:**

**Omnipoint Facilities Network, LLC – Abbott House, 100 North Broadway**

Matthew Jurson, Esq., represented the applicant, who is seeking to be placed on a future IPB agenda for consideration of a request for approval to expand and upgrade an existing wireless telecommunications facility at Abbott House. The Chairman outlined the process the applicant will have to follow consistent with the recently adopted telecommunications regulations. Mr. Jurson explained that Omnipoint wishes to add transmission panels to the existing ones and install necessary ancillary equipment. He said no increase in the height of the telecommunications facility would be required, and the applicant can provide an engineering study and a photographic simulation of the project.

The Chairman asked Mr. Jurson to obtain the appropriate Village ordinance(s) to be used as a guide in submitting the appropriate information to enable the Planning Board to consider issuance of a special permit.

**REVIEW OF APPLICATIONS:**

**IPB Matter #00-40:**

**Application of Astor Street Associates, LLC for Property at Astor Street (MTA Sub-Station)**

Edward DeLaurentis and John Saraceno of Astor Street Associates appeared on behalf of the application. On September 4, 2002, the Board adopted a resolution for approval of Final Subdivision Layout and for approval of a Final Site Development Plan for conversion of the former MTA Sub-Station located in the Metro-North lot on the east side of the railroad tracks. Since then, the Board has granted consecutive 90-day extensions to allow the fulfillment of the terms of that resolution. The most recent extension was granted in March 2003, subject to a stipulation that the applicant would pay all required fees within the extension period or the Board's approval would expire.

The Chairman noted that a memorandum from Steve McCabe dated June 16, 2003, recommended that the Board of Trustees agree to allow the applicant to pay approximately one-half of the required fees prior to the Planning Board's July meeting; Mr. Sciarretta indicated that the Board of Trustees had approved such action. The Applicant provided proof that such payment had been made. The remaining outstanding fees are to be paid prior to the issuance of a building permit. Mr. Sciarretta gave the Board a letter from the applicant dated July 9, 2003 stating that the applicant will comply with all conditions of the previously approved resolution before a building permit is authorized, and that they are requesting the Chairman sign the plat with this stipulation.

The Chairman confirmed with Mr. DeLaurentis and Mr. Saraceno that the Trent easement had been executed and filed, and that requisite endorsements from the Metropolitan Transportation Authority and the County Board of Health had been added to the plat. The Applicant indicated that the height of the retaining wall had not been changed and did not exceed fifteen feet. The Chairman stated that Mr. Marron and Mr. Mastromonaco still had concerns with the engineering of the retaining wall, including the block system being proposed, grading changes and overall height. The Board indicated its acceptance of a limestone façade for the retaining wall in concept, but indicated that all engineering concerns need to be further addressed.

In recognition of the Board of Trustees agreement regarding payment of the outstanding fees, and with Village Counsel's acceptance of the July 9, 2003 letter from the Applicant, the Chairman and the Secretary then signed the plat. The Chairman indicated that the applicant would need to appear before the Architectural Review Board.

**IPB Matter #02-42:**

**Application of Jason Barnett for Site Development  
Plan Approval for property at 48 Ardsley Avenue  
West.**

Norman Sheer, Esq., represented the application. The applicant is proposing to construct an inground swimming pool. Plans entitled Site Plan for Pool by Paul Taormina, P.E. dated June 14, 2003, three sheets, were submitted.

Mr. Montgomery, as a neighbor of the Applicant, recused himself from the proceedings. The Chairman confirmed with Mr. Marron that the proposed pool had been relocated to resolve previous setback issues and asked that modifications stipulated in Mr. Mastromonaco's memorandum of July 9, 2003 be made. The Chairman indicated that the application was otherwise complete, and the Board set a public hearing for the August meeting subject to the plans addressing Mr. Mastromonaco's concerns.

The Chairman also pointed out that this property is within the View Preservation Overlay District created by the recently enacted revisions to the Village Code. In order to expedite the processing of this application, the Chairman, with the Board's concurrence, indicated that he would prepare a letter which refers the application to the Architectural Review Board for its comments solely with respect to the impact, if any, of the proposal on views of the Hudson River from neighboring properties and adjacent public property and rights of way.

The Board then set its next meeting date for August 6<sup>th</sup> and the subsequent meeting for September 3<sup>rd</sup>.

**IPB Matter #03-15:**

**Application of Vincent DeSantis for Site  
Development Plan Approval for Property at 64  
West Clinton Avenue**

Mr. Robert Hoene, architect, represented the applicant, who is proposing to construct an addition to a single-story family home and install a swimming pool. Applicant submitted drawing entitled Proposed Addition to DeSantis Residence, prepared by Robert Hoene, Architect, dated January 7, 2003 last revised June 23, 2003.

The Chairman confirmed with Mr. Marron that the project meets coverage and setback requirements, but indicated that the Architect should review the plans to assess compliance with the recently adopted FAR requirements, inclusive of attic space.

Mr. Hoene said that no trees are to be removed; only a 10" mulberry bush is to be eliminated. He also confirmed that the structure is connected to an existing sewer line. Mr. Marron said that the applicant must reverse the direction in which the gate in the fence around the swimming pool will swing. In addition, detailed data on the driveway's elevation and positioning are required.

The Chairman asked Mr. Hoene to address all of Mr. Marron's comments, as well as those in Mr. Mastromonaco's memorandum of July 9. The Chairman also pointed out that this property is within the View Preservation Overlay District created by the recently enacted revisions to the Village Code. In order to expedite the processing of this application, the Chairman, with the Board's concurrence, indicated that he would prepare a letter which refers the application to the Architectural Review Board for its comments solely with respect to the impact, if any, of the proposal on views of the Hudson River from neighboring properties and adjacent public property and rights of way.

The Board continued this matter.

**IPB Matter #03-22:**

**Application of Ante & Sylvia Marusic for Site  
Development Plan Approval for property at 60  
Hudson Avenue**

Mr. Marusic appeared in support of this application, which pertains to the construction of a new patio for an existing single-family home. As requested at the May 7, 2003 Planning Board meeting, applicant submitted drawings entitled Final Survey prepared by John J. Muldoon, L.S., dated June 10, 2003, Elevation Drawing of Existing Ground and Proposed Slab, prepared by John J. Muldoon, L.S., dated June 9, 2003, Elevation Drawing of Existing Ground and Proposed Slab prepared by John J. Muldoon, L.S. dated June 9, 2003 revised June 16, 2003 also submitted was a letter from Mr. Michael DiNardo (the adjoining property owner to the north) dated June 26, 2003, allowing permission to install the proposed fence along their common property line.

The Chairman stated that the applicant needs a variance for existing and proposed coverage; the site plan must indicate existing and proposed setback dimensions, as well as address Mr. Mastromonaco's comments from his memorandum of July 9th.

The Board continued this matter.

**IPB Matter #03-27:**

**Application of Jonathan Elwyn/Heidi Jellinghaus  
for Waiver of Requirements for Site Development  
Plan Approval for property at 204 Hermit's Road.**

Mr. Elwyn appeared in support of the application for the approval of an existing non-conforming shed. Applicant submitted As-Built Survey Prepared for Jonathan Elwyn & Heidi Jellinghaus prepared By Roland K. Link, L.S., dated December 14, 2002 and sketch of existing shed, undated.

The Chairman stated that the applicant must receive a variance from the ZBA and also asked that setback dimensions be added to the plans.

Richard Blancato, Esq., said he was appearing before the Board on behalf of adjoining property owners (Nicodemus). He claimed there has been a history of Code violations regarding the subject property, which were detailed in a letter that he had previously submitted to the Village. Mr. Sciarretta said the present application pertains only to the shed, and that the Planning Board need not concern itself with other issues as they would be addressed separately from this application.

Mr. Mastromonaco indicated in his memorandum of July 9 that he had no engineering concern. The applicant was referred to the Zoning Board of Appeals.

**IPB Matter #03-28:**

**Application of Steve Caporal for Site Development  
Plan Approval for Property at 16 South Eckar  
Street.**

Mr. Caporal appeared in support of the application for the enclosure of an existing porch on a single-family dwelling. The applicant submitted plans entitled Caporal Residence, 16 S. Eckar St., Irvington, NY, dated May 27, 2003, (four sheets) prepared by Douglas O. McClure, Architect.

The Chairman said that this property falls within the View Presentation Overlay District area defined by the revised Village Code, and therefore the IPB cannot waive site development plan approval. Mr. Marron stated that there were no zoning standards issues, including no FAR issue. Mr. Mastromonaco's memorandum of July 9 outlined issues that had to be addressed, including the need to correct the mislabeled scale on the site plan.

The Chairman also pointed out that this property is within the View Preservation Overlay District created by the recently enacted revisions to the Village Code. The Chairman, with the Board's concurrence, indicated that he would prepare a letter which refers the application to the Architectural Review Board for its comments solely with respect to the impact, if any, of the proposal on views of the Hudson River from neighboring properties and adjacent public property and rights of way. The application was deemed to otherwise be complete, and the Board scheduled a public hearing for August, pending the applicant's addressing all outstanding issues. No re-notification will be necessary.

**IPB Matter #03-30:**

**Application of Cheryl & William Tucker for Site Development Plan Approval for property at 13 Greyrock Terrace.**

Ms. Christina Griffin, architect, represented the applicants, who also appeared before the Board. This application is for the construction of additions to a single-family home and the enlargement of the front porch. Plans labeled Renovations and Extensions to the Tucker Residence, 3 Greyrock Terrace, June 23, 2003 (seven sheets), prepared by Christina Griffin, Architect were submitted.

The Chairman referenced the Application Data sheet prepared by the architect, which indicated that the proposed project would exceed the FAR standards recently enacted by the Board of Trustees; this would necessitate a variance from the Zoning Board of Appeals prior to further action by the Planning Board. Mr. Mastromonaco's memorandum of July 9 noted several additional issues that must be addressed.

There ensued a discussion of the options the Tuckers have as they pursue site development plan approval. They emphasized that their project had been delayed by the Village's moratorium on development, they had already incurred significant expenses and how they had earlier received other variances from the Zoning Board of Appeals on which their present plans were based. The Chairman recognized the difficulty of the situation for the Tuckers but, together with the rest of the Board, concluded that the Planning Board could not modify the FAR requirements; the Board indicated that such action was under the purview of the Zoning Board of Appeals.

The Board continued this matter.

**IPB Matter #02-44:**

**Application of Westwood Development Associates, Inc. for Site Development Plan Approval for Property at Lot 4, Westwood Subdivision**

**IPB Matter #94-03:**

**Application of Westwood Development Associates,  
Inc. – Phase 1 (Tract A)**

The Board agreed to discuss these two matters simultaneously, since Lot 4 is part of the Westwood parcel and is the initial property being considered for final Site Development Plan Approval.

Mr. Padriac Steinschneider appeared for both applications, and Norman Sheer, Esq., additionally appeared for the Lot 4 application.

The Chairman outlined the basic procedural requirements to be followed in the ongoing review of these applications, as detailed in the Board's approving resolution. Mr. Steinschneider said he was developing revised plans reflecting changes on Lot 4 discussed with members of the Board during the June site walk: e.g., he had rotated the house, modified the positioning of the driveway, added trees in the Conservation Easement and altered the courtyard. Such plans were to be submitted to the Board for consideration at a subsequent meeting.

He also said that he had performed new calculations of both the amount of material to be excavated and stored on the site and the landfill requirements. Additional discussion was held on the lots to be used as storage areas for excavated materials and other materials and equipment. His calculations, he claimed, show that after the stone walls are built, no excess materials will be left and thus no materials will have to be taken off the site.

Mr. Marron added that fencing is needed to delineate all construction areas, including roads. The Chairman said Mr. Marron and Mr. Steinschneider should work together to identify trees that would need to be taken down as part of the initial infrastructure work. Outstanding issues with regard to the infrastructure bond were still being addressed.

The Board continued both of these matters.

**IPB Matter #03-23:**

**Application of Marc & Judith Kleber for Site  
Development Plan Approval for Property at 31  
Jaffray Court**

Mr. Padriac Steinschneider of Gotham Design represented the Klebers, who are seeking to construct first- and second-floor additions to their home and expand the existing front porch.

The Chairman noted that this matter is a continuance and that the property is located within the recently adopted View Presentation Overlay District. Therefore, the Board cannot waive Site Development Plan Approval. The Chairman also said that the Board had received several additional letters from residents of the neighborhood and pointed out that Board members had inspected the property in June.

Mr. Steinschneider said he had modified his shadow study to show both the existing and proposed houses. The Chairman stated that the Architectural Review Board had concluded it had no problem with the proposed addition as long as neighbors of the Klebers to the north and west are comfortable with the potential shadow and light issues that would be created by the renovated structure.

A neighbor, Mr. Mark Mazur, stated that he did not take issue with the proposed architecture, and property owners in the area should have a right to enlarge their homes, although he understood how the Schraeder family and others could see some negative impact from the construction.

The Chairman said the IPB has to be sensitive to both neighborhood support and opposition to the proposal, and asked that Mr. Steinschneider work with residents of the neighborhood to attempt to resolve outstanding differences of opinion. The application was deemed to be otherwise complete, and a public hearing for the Board's August 6<sup>th</sup> meeting was set on this matter. The Chairman also pointed out that this property is within the View Preservation Overlay District created by the recently enacted revisions to the Village Code. The Chairman, with the Board's concurrence, indicated that he would prepare a letter which refers the application to the Architectural Review Board for its comments solely with respect to the impact, if any, of the proposal on views of the Hudson River from neighboring properties and adjacent public property and rights of way.

**IPB Matter #01-26:**

**Application of Danfor Realty for Subdivision  
Approval for Property Adjoining Harriman Road**

Mr. Paul Petretti, civil engineer and land surveyor, appeared on behalf of this continuing application for Preliminary Subdivision Layout and Limited Site Plan Approval of a seven-lot subdivision (two lots of which are already improved).

The Chairman opened the Public Hearing from the previous month. The Chairman noted that the applicant had submitted an initial draft resolution for the application, and that a draft SEQRA findings statement had previously have been submitted; he indicated that these would be considered simultaneously by the Board. Mr. Petretti said the easement provisions had been drafted as well, and the Chairman requested that building envelopes and driveways be indicated on the revised plans in accordance with the Village Zoning Ordinance, and that the envelopes be adjusted to reflect the proposed easements. He also said the plans need to be revised to correctly depict which trees were to be removed, as well as to eliminate select features that were not on the subject property.

The Chairman indicated that a checklist showing the timing of specific construction and related activities should be completed, using as a model a similar list created for the Westwood parcel. Mr. Marron indicated that he would work with Mr. Petretti to develop this list. The Chairman indicated that he and Village Counsel would begin the process of reviewing the draft resolution submitted by Mr. Petretti.

The Board, by consensus, said that it currently had no additional outstanding issues with this project. The Chairman requested that Mr. Petretti examine the Westwood plat to determine additional notes that might be appropriate for this plat. The Chairman also said it

will be necessary to determine the timing of the proposed property transfers. Further, the agreements Mr. Petretti has made with some of the adjoining residents need to be submitted for review by the Board and Village Counsel, who would also review the proposed easements.

The Board continued this matter.

The Board then took the following actions:

Upon motion duly made and seconded, the Board voted to approve the minutes of its Regular Meeting on May 7, 2003.

The meeting was adjourned at 10:48 p.m.

Respectfully submitted,

Walter Montgomery  
Secretary